he is lawfully entitled, their adjudications are of no legal effect. See *Rose* v. *Order of Patricians,* 126 Mich. 577. Did defendant violate a law which was prescribed for its guidance when it admitted in evidence the affidavit in question?" * * * * After quoting the statute, the court continues: "If this statute applies to its proceedings, defendant flagrantly violated it. Did it apply? The proceedings were in their nature judicial, and there can be no doubt that the legislature had power to prescribe rules which it was defendant's duty to observe. Did the statute prescribe such a rule? * * * * Did the legislature in passing this statute, which prescribed a rule of evidence to be observed in judicial proceedings, intend to permit this confidence to be betrayed in any judicial proceedings which it had the power to regulate? To impute any such intention to the legislature, is to assume that it designed to defeat its manifest purpose. There is nothing in the statute to limit its operation to any particular judicial tribunal or to any particular class of judicial proceedings. We must therefore assume that it was intended to extend to all proceedings of a judicial character which the legislature had the power to regulate. This statute was, therefore, in my judgment, violated when the physician's affidavit was used as testimony. See *Fennimore* v. *Childs,* 1 Halst. (N. J.) 366; *Gallagher* v. *Kern,* 31 Mich. 138." The court concludes that through the violation of this statute, the plaintiff was deprived of the hearing before the tribunals of the order to which she was lawfully entitled.

The foregoing conclusion is challenged in the dissenting opinion, in which it is contended that the statute in question embodies merely a rule of evidence; that the statute "has appeared under the title 'Evidence' * * * ever since the compilation of 1838"; that it "is entitled to no such broad interpretation as is claimed for it"; and that as a hearing is not vitiated because the tribunal of the order has "failed to comply with the technical rules governing courts in the admission of evidence," as theretofore decided by the court, the judgment of the court below should not stand. In view of the former decisions of the court which recognize the authority of tribunals like those of the defendant order and the finality of their conclusions, in the absence of fraud and unfair procedure, and that they are not in their hearings bound by the technical rules of evidence, it would seem that the minority opinion is sound. But the situation developed in this case and other situations that will doubtless be developed in other cases, prompt the suggestion that a revision of former decisions in regard to these orders may be found necessary. It is possible that the court may have been fundamentally wrong in recognizing that authority essentially judicial may be conferred by contract.

THE LAW ON THE PANAMA CANAL ZONE.—It cannot be long now till the Panama strip owned by the United States will furnish additional pabulum for the reports. Advance signs are beginning to appear, for questions concerning rights and liabilities on the canal zone are being formulated and asked. The influx of population, commerce and wealth, the industries and the variety of nationalities must soon give birth to controversies for the

appropriate tribunals to settle. It may therefore be interesting to note what law is to be applied there, and in this connection the opinion handed down by the Assistant Attorney-General of the Interior on December 16, 1904, will be found in point.

The special interrogation was in regard to the protection to be accorded to patents and trade-marks on the zone. From an examination of the acts of Congress, the treaty with the Republic of Panama, and the determination of the President under the powers vested in him, the conclusion was reached that "the canal zone has not in any sense been organized as a territory of the United States; that there is no provision making the laws of the United States generally applicable in the canal zone; and that there is no provision specifically making the patent laws and the laws relating to the registration of trade-marks and labels applicable there." 113 *Official Gazette of Commissioner of Patents,* 2503.

The matter of making rules and regulations has been left in the hands of the President, who has put it under the supervision of the Secretary of War. It will remain, however, for Congress to give a permanent system of laws and, if a forecast may be made, legislation similar to that in the case of Porto Rico will be enacted.